

Docket No.: 268419US0X PCT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:  
Martin MOERTERS, et al.

GROUP: 1793

SERIAL NO: 10/530,491

EXAMINER: S.L. HANOR

FILED: April 6, 2005

FOR: PYROGENIC SILICON DIOXIDE AND A DISPERSION THEREOF

## DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313-1450

SIR:

Now comes Dr. C. Schulte Gfert who

deposes and states that:

1. I am a graduate of Chemistry and  
received my degree in the year 2001.

2. I have been employed by Evonik Degussa GmbH  
for 4 years as a Manager R & D  
in the field of Particle Design.


3. That the following experiments were carried out by me or under my direct supervision and control.

4. Example 2 of Mangold et al. (EP 0759410, EP '410) was repeated using the parameters exactly as reported therein. The resulting powder was imaged. The powder had the following properties:

- (1) a mean aggregate area of 46441 nm<sup>2</sup>.
- (2) a mean aggregate circumference of 2119 nm.
- (3) less than 50% of the aggregates have a circumference of less than 1300 nm.

5. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

6. Further deponent saith not.

  
Signature

Customer Number  
22850

11.06.09  
Date